

PRACTICE NOTE
From the Designated Manager
No 1. 2012

To all registered patent attorneys and trade marks attorneys:

Continuing Professional Education
Audit 2011 - Results

The Designated Manager is responsible for renewing patent and trade marks attorneys.

It has been a requirement since 1 July 2008 for registered patent and registered trade marks attorneys to complete continuing professional educational (CPE) activities as a condition of annual registration renewal.

CPE activities have to be completed in the 12 months prior to the date of application for renewal of registration. In most cases, this relates to the previous financial year. The system is generally self-regulating, but is enforced through audits of a randomly chosen sample. The first audit was conducted in late 2011, involving 50 attorneys from a wide range of backgrounds.

It appears from the result of the audit that some attorneys may not be familiar with the details of the CPE requirements, which are set out in guidelines relating to Continuing Professional Education published by the Professional Standards Board for Patent and Trade Marks Attorneys on the Board's web-site at www.psb.gov.au

I particularly would like to emphasise the following requirements:

1. Registered patent attorneys or registered trade marks attorneys must complete 10 hours of CPE per annum. Those attorneys who are registered as both are required to complete 15 hours per annum.
2. There must be a minimum coverage of activity related to each area of registration. Thus patent attorneys are required to do 5 hours of activity related to patents. Attorneys registered as both patent and trade marks attorneys are required to complete learning activities relating to both patents and trade marks. 5 hours of activity in both areas is required.
3. Activities must be relevant to the attorney's practice. For example, continuing professional education hours earned for other professional registration - particularly lawyers - will only be accepted if the learning is relevant to attorney practice.
4. Sufficient information, including number of hours, must be provided to me if and when I seek information on activities - a template will be used in future audits to facilitate this. A copy of the template is attached, should you wish to

fill it in as the year progresses, which will simplify the process if you are involved in the next audit.

5. Private study – e.g. reading of journal articles - is restricted to 3 hours for patent or trade marks attorneys and 4.5 hours for those registered as both, to ensure a balance of activities. Online seminars can be a valuable alternative source for those who may have difficulty accessing seminars or conferences.
6. The CPE requirements are personal to the attorney. If you move places of employment during the year, be sure to take your CPE records with you, so that you can access them if audited.

The introduction of CPE for the profession was an important step taken by the Parliament to ensure the quality of service provided by attorneys. Used well, CPE has a significant potential to enhance the standing of the profession. Other professions have more stringent requirements and I am of the view that what is being asked of attorneys is reasonable and feasible. While no sanctions were imposed on audited attorneys whose records were deficient on this first occasion, a higher standard of compliance will be required in future audits.

A handwritten signature in black ink that reads "Philip Noonan". The signature is written in a cursive style with a long horizontal flourish at the end.

Philip Noonan
Designated Manager

20 January 2012